

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER

061097

JENNIFER WOOD

plaintiff,

Index No.: 229526

SUMMONS

-against-

TRANSWORLD SYSTEMS INC

Defendant.

Received
County Clerk's Office
Jun 22, 2009 9:52A
Rensselaer County
Frank J. Merola

To the above named defendant:

You are hereby summoned and required to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve notice of appearance on the Plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the dates of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York; and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is based upon the residence of plaintiff, which is ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~, East Greenbush, NY 12061.

Dated: Albany, New York

June 17, 2009

RECEIVED
THE ROSE LAW FIRM, PLLC

JUN 25 2009

CASE: Wood

FILE: 10004 19323

POSTMARK DATE MAIL ✓

METER DATE HAND

REC'D BY: EXPRESS

ENTERED _____

THE ROSE LAW FIRM, PLLC

By: 

G. Christopher Gleason, Esq.

Attorneys for Plaintiff

Jennifer Wood

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(518) 869-9200

1101-CV-0271

Fxh.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER

JENNIFER WOOD

plaintiff,

-against-

Index No.:

TRANSWORLD SYSTEMS INC.

Defendant.

COMPLAINT

Plaintiff Jennifer Wood ("Plaintiff"), by and through counsel, The Rose Law Firm, PLLC, complaining of defendant states as follows:

1. Plaintiff is a resident of the State of New York, County of Rensselaer.
2. Defendant Transworld Systems Inc. ("Defendant") is a foreign corporation with a principal place of business at Transworld Systems Inc., 2235 Mercury Way, STE 275, Santa Rosa, CA, 95407. The principal purpose of Defendant is the collection of debts in that State of New York and its sister states and Defendant regularly attempts to collect debts alleged to be due to another party within the state of New York.
3. Defendant is a "debt collector" as defined pursuant to 15 U.S.C. § 1692 (a) (6) as it regularly uses instrumentalities of interstate commerce such as the mail and telephone in its business, the principal purpose of which is the collection of debts.
4. Venue is proper in the Supreme Court of the State of New York, County of Rensselaer, pursuant to 15 U.S.C. § 1692 (k)(d) as well as CPLR § 503 (a).

FACTS

5. By correspondence dated April 9, 2009, Defendant mailed a letter to Plaintiff which sought to collect on an alleged debt.

6. While purportedly a "COURTESY NOTICE" the letter indicates that defendant "is a collection agency attempting to collect a debt" yet fails to provide the verification rights notice required pursuant to 15 U.S.C. §1692g (a).

7. Further, defendant failed to send any additional notice within the five (5) days following her receipt of the April 9, 2009 letter which contained the required verification rights notice.

8. Thereafter, notwithstanding the failure to comply with the requirement that defendant provide plaintiff with the proper verification rights notice required pursuant to 15 U.S.C. §1692g (a), defendant continued to send collection notices to plaintiff.

COUNT I

9. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

10. Based on the actions of Defendant alleged herein, Defendant violated The Fair Debt Collections Practices Act (15 U.S.C. § 1692 et seq.).

11. As a result of its violations of The Fair Debt Collections Practices Act, Defendant is liable to Plaintiff for all actual damages sustained by her, additional statutory damages as determined by the Court, costs associated with the action as well as a reasonable attorney's fee.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for the following:

- A. Declaratory judgment that conduct violated the Fair Debt Collections Practices Act;
- B. An award of actual damages sustained by Plaintiff;
- C. An award of additional damages pursuant to 15 U.S.C. § 1693 k;
- D. An award of the costs of the action as well as a reasonable attorney's fee pursuant to 15 U.S.C. § 1692 k;
- E. An award of any other and further relief which to the Court seems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

Dated: Albany, New York
June 17, 2009

THE ROSE LAW FIRM, PLLC

By: 

Christopher Gleason, Esq.

Attorneys for Plaintiff
501 New Karner Road
Albany, New York 12205
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